

Message Text

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ACTION EA-14

INFO OCT-01 ISO-00 SS-15 A-01 OPR-02 NSC-10 NSCE-00 SAJ-01

CPR-02 SCA-01 L-03 EB-11 CIAE-00 INR-10 NSAE-00

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FM USLO PEKING

TO SECSTATE WASHDC 777

C O N F I D E N T I A L PEKING 1127

E.O. 11652: N/A

TAGS: CGEN, PFOR

SUBJECT: US/PRC CONSULAR RELATIONS

REF: PEKING 1106

1. CHINESE RESPONSE (REFTTEL) COULD CLEAR WAY FOR NORMAL CONSULAR ACTIVITIES IF WE CAN FIND WAY AROUND DEFINITION OF "CONSULAR RELATIONS", USE OF WORD "CONSULAR OFFICER" ON VISA STAMP, AND STILL TO BE RESOLVED QUESTION OF EXCHANGE OF NOTES.
 2. CHINESE MADE IT CLEAR THAT HOW WE RESPOND TO QUESTION IN COURTS AS TO "CONSULAR RELATIONS" BETWEEN US/PRC IS OUR AFFAIR. (ALTHOUGH DC HOLDRIDGE ALSO MENTIONED QUESTIONS BY PRESS AND PUBLIC IN AUG. 27 MEETING, CHINESE ONLY REFERRED TO QUESTIONS BY COURT IN THEIR RESPONSE.) THEY MADE IT EQUALLY CLEAR THAT IF THEY ARE QUESTIONED THEY WILL SAY THAT "CONSULAR RELATIONS" DO NOT EXIST.
 3. ANY US STATEMENT THAT "CONSULAR RELATIONS" EXIST COULD GENERATE FURTHER QUESTION HERE, WHICH WOULD NOT BE DESIRABLE SINCE CHINESE WOULD DENY US STATEMENT IF ASKED. CAN WE FIND A MORE AMBIGUOUS RESPONSE THAT STILL MEETS LEGAL REQUIREMENTS? FOR EXAMPLE, COULD WE PROVIDE COURT WITH COPY OF OUR NOTE TO CHINESE DESIGNATING OFFICER TO HANDLE
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CONSULAR MATTERS IN ADDITION TO HIS OTHER DUTIES.

4. 22 CFR 41.124 (H) REQUIRES THAT CONSULAR OFFICER INDICATE HIS TITLE IN THE VISA STAMP. WE RECOMMEND THAT WORD "CONSULAR" BE LINED OUT AND APPROPRIATE FUNCTIONAL TITLE BE WRITTEN IN, I.E. ADMINISTRATIVE OR POLITICAL.

5. DURING THE SEPTEMBER 19 MEETING THERE WAS NO DISCUSSION OF WHETHER THE CHINESE WOULD ACKNOWLEDGE THE RECEIPT OF USLO'S NOTE. WE SUSPECT THEY WILL NOT SINCE THEY HAVE YET TO ACKNOWLEDGE ANY NOTE IN WRITING. WHEN AN ANSWER IS REQUIRED, IT IS MADE ORALLY. (THIS IS PROCEDURE WHICH HAS BEEN APPLIED TO OTHER MISSIONS IN PEKING.)

6. ALTHOUGH T'IENT P'ING PROPOSED AN "EXCHANGE OF NOTES" (PEKING 333), THE TRANSLATION FROM THE CHINESE MAY HAVE BEEN INEXACT. HE MAY HAVE HAD IN MIND THE NOTES EACH LIAISON OFFICE WOULD SEND DESIGNATING AN OFFICER TO PERFORM CONSULAR FUNCTIONS.

7. WE DO NOT BELIEVE WE SHOULD GO BACK TO THE CHINESE ON THIS POINT. RATHER, WHEN DEPARTMENT AUTHORIZES USLO TO INFORM CONSULAR DEPARTMENT MFA, THAT WE ARE AGREED TO THE PROCEDURES, USLO WILL PRESENT NOTE PERSONALLY TO T'IENT P'IN. WHEN DEPARTMENT RECEIVES CHINESE NOTE, WE SUGGEST ACKNOWLEDGMENT IN WRITING.
BRUCE

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